

Gould Electronics Inc.  
34929 Curtis Boulevard, Suite 100  
Eastlake, Ohio 44095-4001  
Telephone: 440-953-5000  
FAX: 440-953-5050



March 27, 2015

Mr. Harry Steinmetz  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3HS62)  
Philadelphia, PA 19103

Via Email and Regular Mail

Re: Metal Bank of America, Inc. (State Road) Site  
6801 State Road  
Philadelphia, Pennsylvania

Dear Mr. Steinmetz:

I write on behalf of Gould Electronics Inc. ("GEI") in response to correspondence dated February 23, 2015 regarding the above-referenced site from Joan Armstrong, which I received on February 25, 2015.

As a threshold matter, GEI requests that EPA provide GEI with the factual basis, including any documentary evidence, for Ms. Armstrong's assertions on page 2 of her letter that GEI "may have arranged for the disposal of polychlorinated biphenyls ('PCBs') and other hazardous substances at the Site when [GEI] arranged, on various occasions, for scrap transformers and capacitors it owned to be sent to the Site. These scrap transformers and capacitors contained PCBs and other hazardous substances." GEI was incorporated in Arizona as Nimtec, Inc. in 1990 and, to the best of my knowledge, has never engaged in any transactions with Metal Bank of America, Inc.

GEI's research indicates that Gould Electronics Inc., a former Ohio corporation from which GEI<sup>1</sup> acquired assets in 2003, entered into a CERCLA Administrative Order on Consent with EPA in 1998 in which EPA determined that Gould Electronics Inc. was a *de minimis* contributor of hazardous substances with regard to the "Metal Bank Superfund Site," located at 7301 Milnor Street in Philadelphia. Under the 1998 AOC, the former Gould Electronics Inc. paid its allocated share of approximately \$23.66 million in past and future response costs, along with a 200% "premium" to cover future uncertainty. The basis for EPA's assertion of liability was documentation related to two 1970 transactions involving "transformers" with The Metal Bank of America, Inc., located at 6801 State Road, Philadelphia, Pennsylvania. I am enclosing for

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<sup>1</sup> Then known as Nikko Materials USA, Inc.



your reference the documents that, according to EPA, established Gould Electronics Inc.'s arrangement for disposal of hazardous substances at the Milnor Street property.

Ms. Armstrong's recent correspondence did not include the factual basis for EPA's conclusion that GEI arranged for disposal of hazardous substances at the above-referenced site. To the extent that EPA's conclusion is based in whole or in part on the transactions previously relied upon by EPA to establish the former Gould Electronics Inc.'s contribution of hazardous substances to the Milnor Street property, GEI also requests that EPA explain why the Agency believes that the same hazardous substances were released at the State Road site. GEI did not engage in any cleanup activities at the Milnor Street property which might have caused hazardous substances to be transferred to the State Road property, nor does it have any information indicating that the former Gould Electronics Inc. did so.

To the extent that GEI has CERCLA liability at a site, it is always the company's preference to negotiate a reasonable settlement in lieu of litigation. At this time, however, EPA has not provided GEI with sufficient information to determine whether it has such liability with respect to the above-referenced site, or even an explanation as why EPA has reached that conclusion. Accordingly, at this time GEI is unable to respond either affirmatively or negatively to Ms. Armstrong's letter until GEI receives the factual information requested in this letter.

Sincerely,

Thomas N. Rich  
Chief Administrative Officer

# RECEIVING

## THE METAL BANK OF AMERICA

SHIPPING AND RECEIVING COPY

INC.  
6801 STATE ROAD  
PHILADELPHIA, PENNSYLVANIA 19135  
(215) 332-6600

From I.T.E.  
PHILA. PA.

Date 3/4/70

Lot. No. 1375

Contract No. \_\_\_\_\_

Purchase Order No. \_\_\_\_\_

Delivery Ticket No. \_\_\_\_\_

Via PHILLIPS

MATERIAL	THEIR WEIGHT	OUR WEIGHT	REMARKS
COPPER CLIPS			
2 PANS	6537	7180 GROSS 691 TARE 6489 NET	42400 17850 24550
BATTERY			
1 PCS.	46	45	410
EPOXY COVERED <del>COPPER</del> ALUM.			
1 DRUM	276	305 GROSS 34 TARE 271 NET	
#2 COPPER SCP.			
1 PAN	1636	1975 GROSS 351 TARE 1624 NET	107
TRANSFORMERS			
1 PAN	1100	1415 GROSS 317 TARE 1098 NET	308
ING. #2 COPPER WIRE			
3 PANS	1075	2070 GROSS 1012 TARE 1058 NET	126
EPOXY COVERED COPPER			
1 DRUM	830	830 GROSS 42 TARE 788 NET	
300 ST. ST. CLIPS			
1 PAN	1179	1520 GROSS 348 TARE 1172 NET	634
CLEAN COPPER TGS.			
2 PANS	2005	2660 GROSS 690 TARE 1970 NET	104
CONT. COPPER TGS.			
2 PANS	2761	3405 GROSS 656 TARE 2749 NET	118
70/30 BRS. CLIPS			
1 PAN	1588	1915 GROSS 334 TARE 1581 NET	218
CONT. <del>XX</del> YEL. BRS. TGS.			
1 PAN	760	1090 GROSS 340 TARE 750 NET	

Subject to weight and inspection.

By \_\_\_\_\_

# RECEIVING THE METAL BANK OF AMERICA INC.

6801 STATE ROAD  
PHILADELPHIA, PENNSYLVANIA 19135  
(215) 332-6600

SHIPPING AND RECEIVING COPY  
RECEIVED

CORPORATE LEGAL DEPARTMENT

Date 4/7/70

Lot. No. 1631

Contract No. \_\_\_\_\_

Purchase Order No. \_\_\_\_\_

Delivery Ticket No. \_\_\_\_\_

From I.T.E.

PHILA. PA.

Via PHILLIPS

MATERIAL	THEIR WEIGHT	OUR WEIGHT	REMARKS
TRANSFORMERS	GROSS TARE NET	240 50 17600 6450	
P.C.S.	GROSS TARE NET	GROSS TARE NET	308
	GROSS TARE NET	GROSS TARE NET	
	GROSS TARE NET	GROSS TARE NET	
	GROSS TARE NET	GROSS TARE NET	
	GROSS TARE NET	GROSS TARE NET	
	GROSS TARE NET	GROSS TARE NET	A00501

Subject to weight and inspection.

By \_\_\_\_\_